

REMARKS

This is in response to the Final Office Action of February 26, 2004 (Paper No. 34) and accompanies a Request for Continued Examination ("RCE") filed concurrently herewith. By this Amendment, claims 25, 26 and 31-36 are further amended, claims 27 and 28 have been cancelled, and new claims 37 - 40 are added. Thus, claims 25, 26, and 31-40 are in the application for further examination. Claims 25 and 26 are the only independent claims.

Filed separately herewith is a Petition for Extension of Time which fees in the amount of \$420.00 are included in the credit card payment Form PTO-2038 also filed concurrently herewith. If the amount is in error, the Patent and Trademark Office is authorized to debit or credit, as appropriate, the undersigned attorneys' Deposit Account No. 06-1358.

Preliminarily, Applicants would like to thank Examiner Lê Nguyen for the courtesies extended to Applicant's attorney during a telephone conference on May 21, 2004, wherein the Examiner's objections and rejections under 35 U.S.C. §112 were discussed. Specifically, proposed changes to claim 25 were discussed, which changes have, for the most part, been incorporated in the currently amended claim 25. The Examiner agreed that the changes to the claim language would avoid any objections and/or §112 rejections.

Specifically, regarding the Examiner's objection to the phrase "at least one of" in claim 25, the Examiner agreed with the proposal to amend claim 25 using subparagraph characters "(a)" . . . (b)" etc., and approved the deletion of the last phrase following "key layout". The Examiner also approved the proposed change to insert "or" instead of "at least one of" in view of the recent Federal Circuit decision that was brought to the Examiner's attention by the undersigned attorney entitled Superguide Corporation v. DirecTV Enterprises, Inc., 358 F.3d 870 (Fed. Cir. 2004). See, specifically, pages 9-12 of the decision.

Changes to the paragraph in claim 25 that refer to the user-environment information were also discussed. Although the present changes differ slightly from those discussed with the Examiner, it is believed that the claim is now unobjectionable under 35 U.S.C. §112.

Finally, the undersigned attorney discussed with the Examiner the phrase "and serving as a password" in claim 25 without requiring the claiming of an ID card. It was urged that the prior art fails to disclose an information storage medium being portable and serving as a password and does not require the inclusion of the ID card. The Examiner stated that she could not commit to this because it raised new issues.

In the Final Office Action, the Examiner acknowledged that claims 35 and 36 would be allowable if the §112 rejections were overcome. That is, these claims were patentably distinct over the cited prior art. As referenced in paragraph 10 of the Final Office Action, the Examiner acknowledged that the prior art does not recite the use of an ID card as an information storage medium for storing all of a user's OS and environment and serving as a password. Claims 35 and 36, which recite that the information storage medium is an ID card and serve as a password, are now dependent on claims 25 and 26 and should be allowable.

Claims 25 and 26 now recite that the information storage medium is portable and is "serving as a password". For similar reasons, these claims, and all claims dependent therefrom, should be allowable. Claims 31-34 further narrow the user environment information and are also patentable.

New claims 37 and 38 recite that the information storage medium is an ID storage medium serving as a password and depend upon claims 25 and 26, respectively. That is, instead of reciting an ID "card", the claims recite an ID "storage medium" which is albeit slightly broader, nevertheless, distinguishable over the prior art. New claims 39 and 40 include similar limitations, but depend from claims 31 and 32, respectively.

Serial No.: 09/080,461
Atty. Docket No.: P61993US0

Thus, this application should now be in condition for allowance. Should the Examiner have any questions or comments after reviewing this Amendment, the Examiner is cordially invited to telephone the undersigned attorneys.

Respectfully submitted,

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Date: July 26, 2004
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